

Stuart A. Krause
Benjamin H. Green
David S.S. Hamilton
ZEICHNER ELLMAN & KRAUSE LLP
1211 Avenue of the Americas
New York, New York 10036
(212) 223-0400

Attorneys for Defendant
Citibank, N.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CELINDA ACEVADO AND JACQUELINE
LOPEZ, individually and on behalf all others
similarly situated,

Plaintiffs,

- against -

CITIBANK, N.A.,

Defendant.

Civil Action No.: 10 CIV 8030 (PGG)

**DECLARATION OF
BENJAMIN H. GREEN**

STATE OF CONNECTICUT,
COUNTY OF GREENWICH.

BENJAMIN H. GREEN, pursuant to 28 U.S.C. § 1746 and under the
penalties of perjury, declares:

1. I am an attorney and a member of Zeichner Ellman & Krause
LLP, attorneys for defendant Citibank, N.A. ("Citibank"). I am a member of the bar of
this Court. I make this declaration in response to plaintiffs' Renewed motion
("Plaintiffs' Motion") for Leave to File a Second Amended Complaint ("SAC").

2. As the relief sought by the SAC has been narrowed, pursuant to this Court's March 13, 2015 Memorandum and Opinion (Doc # 81), such that plaintiffs have limited the relief sought by this action to (i) a release of any moneys unlawfully restrained" (and held by Citibank), and (ii) a "refund of any fees improperly charged by [Citibank] in violation of the EIPA," Citibank does not oppose Plaintiffs' Motion to interpose the SAC.

3. Citibank does not hereby intend to waive nor shall it be deemed to waive its rights to oppose this action or any defense it may have to any claim alleged in the SAC including but not limited to subject matter jurisdiction, all of which rights are specifically reserved. Citibank does not consent to any of the relief sought by plaintiffs or concede the truth of any allegations pleaded in the SAC, which will be responded to by Citibank in the event the Court deems it appropriate to grant Plaintiffs' Motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 20, 2015


BENJAMIN H. GREEN

CERTIFICATE OF SERVICE

Michael W. Antonivich, hereby certifies pursuant to 28 U.S.C. 1746 and under penalty of perjury that on the 20th day of May, 2015, I served a true copy of the within **DECLARATION OF BENJAMIN H. GREEN IN RESPONSE TO PLAINTIFFS' RENEWED MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT** upon the following parties/attorneys by first class mail at the last known addresses indicated below:

Law Offices of G. Oliver Koppell
& Associates
99 Park Avenue, Suite 1100
New York, NY 10016
Attorneys for Plaintiffs

Dated: May 21, 2015



Michael W. Antonivich